



U.S. Department of Energy
Office of Civilian Radioactive Waste Management



Survey of the Docketed Comments on the Notices of Proposed Rulemaking

Presented to:
**Transportation External Coordination Working Group's
Routing Topic Group**

Presented by:
Lee Finewood, Operations Task Lead
Booz | Allen | Hamilton

July 25, 2007
Kansas City, Missouri

Introduction

- **Notice of Proposed Rulemaking (NPRM) Background**
 - Issued by the U.S. Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) on 21 December, 2006
 - Public meetings held on 1 February in DC and 9 February in Dallas, TX
 - The NPRM comment period closed on 20 February; 62 individual comments were received
 - Planned issuance of Final Rule: September, 2007
 - Sets forth 27 factors for rail carriers to consider in determining which routes are the most safe and secure



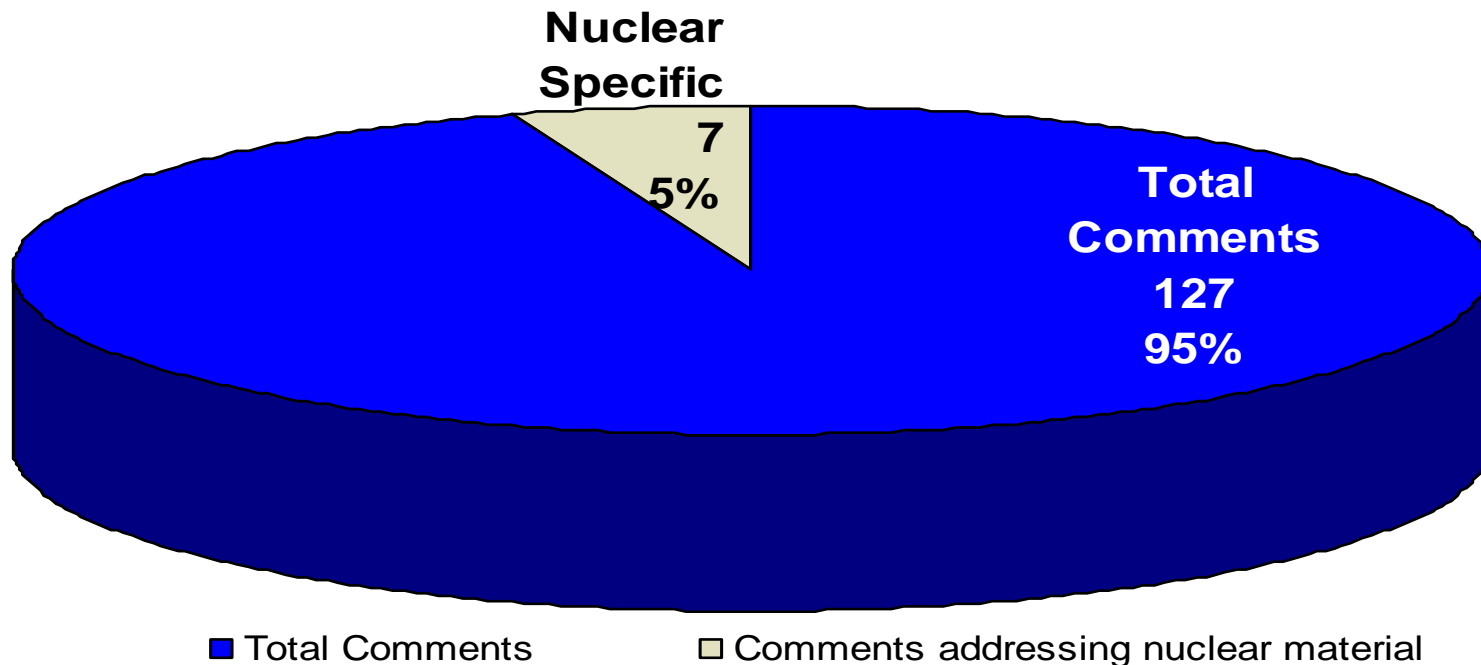
Introduction

- **Notice of Proposed Rulemaking (NPRM) Background**
 - Issued by the U.S. Department of Homeland Security's (DHS) Transportation Security Agency (TSA) on 21 December, 2006
 - Public meetings held on 2 February in Arlington, VA
 - The NPRM comment period closed on 20 February; 72 individual comments were received
 - Planned issuance of Final Rule: September, 2007
 - Proposed regulations to address toxic inhalant hazards, pressurized and/or volatile chemicals, caustic chemicals, explosives and flammables and spent nuclear fuel (SNF)



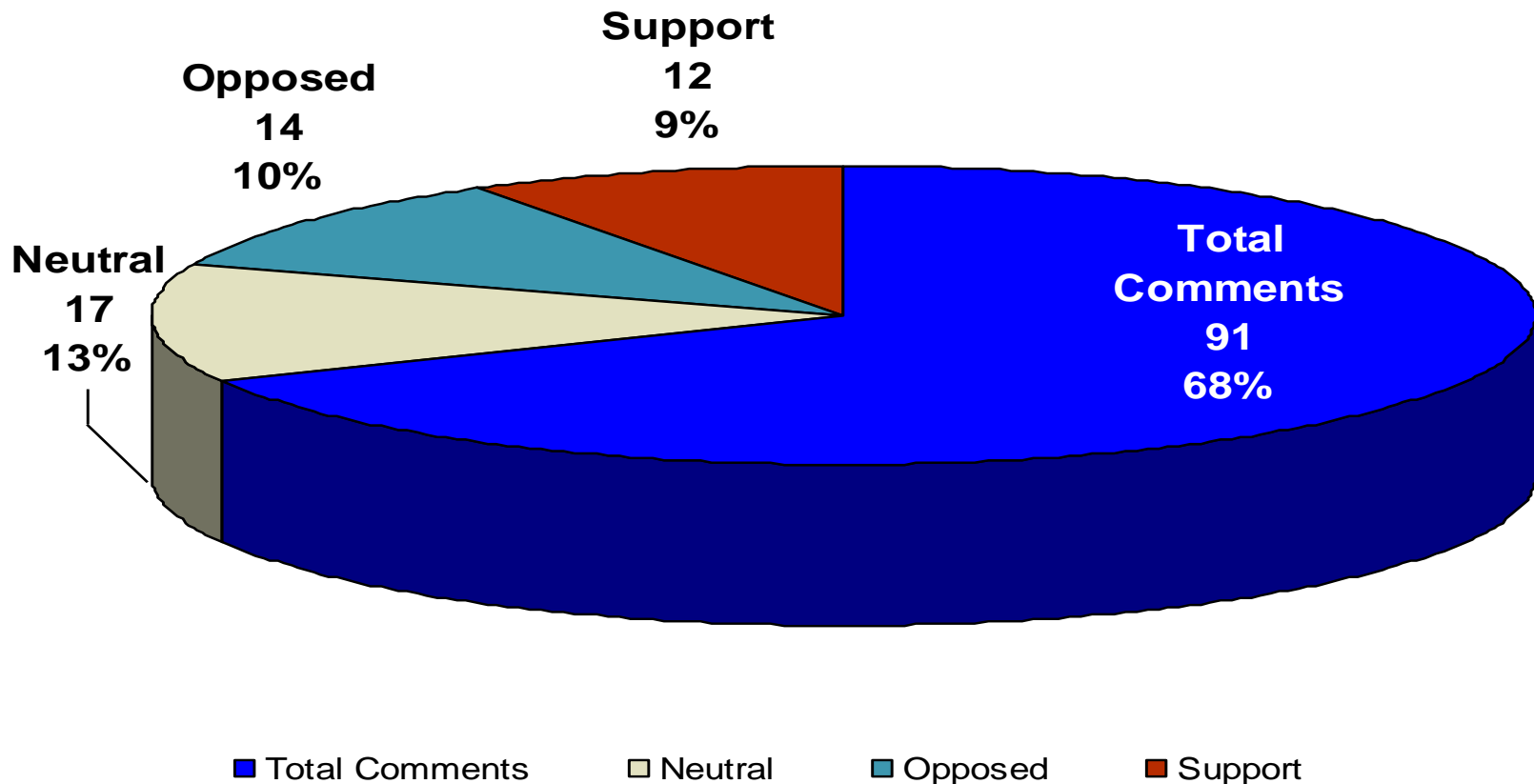
Docketed Comments: Nuclear

- Of the 134 comments, only 7 unique comments (5%) referenced transporting nuclear materials



Docketed Comments: Routing

- Of the 134 comments, only 43 unique comments (32%) referenced routing concerns



Docketed Comments: Positions

Reasons supporting routing considerations included:

- Increased safety and security by avoiding populations centers
- Reducing the target's appeal by decreasing potential consequences
- Fill in gaps by implementing nationally uniform criteria for routing
- Increase the enforceability of regulations with that uniformity
- Routing studies may yield previously unknown, but safer, routes
- Changing routes for every shipment would reduce predictability



Docketed Comments: Positions

Reasons opposed to routing considerations included:

- **Additional risk from increased time and/or distance in transit**
- **Possibly less safe and/or secure conditions on alternate routes**
- **Additional costs as a result of the extra distance, time and delays**
- **Liability of determining the “safest” route**
- **Concerns of pre-emption or lack of coordination/communication**
- **Additional, inequitable burdens (e.g. limited rural first responders)**
- **May result in a confusing disarray of conflicting, local regulations**



Conclusion

- **Of the 134 unique comments, 12 comments (9%) cited reasons for supporting additional routing considerations and 14 (10%) cited reasons against**
- **Reasons for supporting and opposing included: safety, security, uniformity, costs and pre-emption**
- **Of the 134 unique comments, seven comments (5%) cited the transportation of nuclear material, three of those also referenced routing**



Any Questions?

